

JURY TRIAL REQUESTED

17132.v1/1081-0000

Concurrent with this Motion, DataQuill is filing: (1) a motion for prejudgment interest and supplemental damages; and (2) a motion for taxable costs. DataQuill collectively seeks the following relief:

- supplemental damages in the amount of \$1.01 per unit for each ZTE Android phone made, used, sold, offered for sale, or imported between April 1, 2015, and June 18, 2015;
- pre-judgment interest based on the prime rate compounded annually in the amount of \$1,631,494 for damages until June 18, 2015, plus an additional \$2,950 per day thereafter until this Court enters final judgment;
- post-judgment interest as provided by 28 U.S.C. §1961; and
- taxable costs of \$56,557.19, as provided by Federal Rule of Civil Procedure 54(d)(1).

DataQuill respectfully requests that the Court enter a Final Judgment in a separate document that is consistent with both the jury verdict and DataQuill's other post-trial motions. A proposed Judgment is attached.

III. ARGUMENT

Rule 58(b)(2) states that “the court must promptly approve the form of the judgment, which the clerk must promptly enter, when the jury returns a special verdict or a general verdict with answers to written questions.” FED. R. CIV. P. 58. In this case, the jury returned a general verdict with answers to written questions. Dkt. 29. Accordingly, DataQuill respectfully requests that the Court promptly approve the proposed Judgment attached to this motion and order the clerk to promptly enter it as a separate document. FED. R. CIV. P. 58(b)(2); *see also* FED. R. CIV. P. 58(d) (“a party may request that judgment be set out in a separate document as required by Rule 58(a)”).

IV. CONCLUSION

For the foregoing reasons and those set forth in DataQuill's other post-trial motions, DataQuill respectfully requests that the Court enter Final Judgment in its favor as set forth in the attached proposed Judgment.

Dated: July 28, 2015

Respectfully submitted,

/s/ Blaine Larson

Parker C. Folse, III (LEAD COUNSEL)

Washington State Bar No. 24895

pfolse@susmangodfrey.com

SUSMAN GODFREY LLP

1201 Third Avenue, Suite 3800

Seattle, Washington 98101

Telephone: (206) 516-3880

Facsimile: (206) 516-3883

Joseph S. Grinstein

Texas Bar No. 24002188

jgrinstein@susmangodfrey.com

SUSMAN GODFREY LLP

1000 Louisiana Street, Suite 5100

Houston, Texas 77002-5096

Telephone: (713) 651-9366

Facsimile: (713) 654-6666

Leslie V. Payne

Texas Bar No. 00784736

lpayne@hpcllp.com

Nathan J. Davis

Texas Bar No. 24065122

ndavis@hpcllp.com

Blaine A. Larson

Texas Bar No. 24083360

blarson@hpcllp.com

HEIM, PAYNE & CHORUSH, LLP

600 Travis Street, Suite 6710

Houston, Texas 77002-2912

Telephone: (713) 221-2000

Facsimile: (713) 221-2021

S. Calvin Capshaw, III

Texas Bar No. 03783900
ccapshaw@capshawlaw.com
Elizabeth L. DeRieux
Texas Bar No. 05770585
ederieux@capshawlaw.com
CAPSHAW DERIEUX, LLP
114 E. Commerce Ave.
Gladewater, TX 75647
Telephone: (903) 236-9800
Facsimile: (903) 236-8787

T. John Ward, Jr.
State Bar No. 00794818
jw@wsfirm.com
WARD & SMITH LAW FIRM
P.O. Box 1231
Longview, Texas 75606-1231
Telephone: (903) 757-6400
Facsimile: (903) 757-2323

ATTORNEYS FOR DATAQUILL LIMITED

CERTIFICATE OF SERVICE

I hereby certify that the above document was served to all counsel of record via CM/ECF on July 28, 2015.

/s/ Blaine Larson
Blaine Larson

CERTIFICATE OF CONFERENCE

I hereby certify that prior to filing this motion, counsel for DataQuill conferred with counsel for ZTE. ZTE agreed to prejudgment interest at the prime rate, compounded annually, as well as supplemental damages of \$1.01 per accused product as set forth above, and postjudgment interest at the statutory rate. By agreeing to these issues, ZTE is not waiving its rights to contest the jury verdict as to both liability and damages. Further, ZTE only agrees to prejudgment interest, postjudgment interest, and supplemental damages if the Court enters judgment on the verdict.

/s/ Blaine Larson
Blaine Larson